110

**19** 45-46-47-48. **File No.** 7725/36

Public Works **DEPARTMENT**

**B CLASS** E (II) **BRANCH**

**Subject:—** Seniority

Members of the S.S.E a

other Subordinate establish

ment. Principles to be

followed in fixing the—

B [K] 1948

**File No.** 7725/36 - E (II)

Sec. Secta. Slip 24-A

Letter.

To

The Secretary to Government,
Public Works Department,
Bombay.

No.G.R. 31(d). Public Works Department,
Belgaum, 28th November, 45

Subject:- Seniority of Overseers: Principles to be followe in fixing the

The orders of Government regarding fixation of seniority of permanent Overs so far issued are contained in -

(i) Para 4(e) of G.R., P.W.D.No. 1712/2 dated 15th August, 1929.

(ii) para 2(iv) and 3(a) of G.R. No. 1712/27 dated 9th May 1932.

2. In the recent revision of pay scale sanctioned for the subordinate Service of Engineers in G.R. No. 6717/36 dated 17th July 1944, all the Graduate Overseers drawing pay between Rs. 70/- and 120/- on the old scale and having more than one year's service have been given a monthly pay of Rs. 120/- with effect from 1st July 1944, in the case of these subordinates the pay and the date of next increment viz. 1st July 1945 being the same, a doubt is felt as to the basis on which their seniority should be regulate

3. It is presumed that the general principles for fixing the seniority are as follows:-

(1) Pay
(2) If pay is the same, date of next increment.
(3) If date of next increment is the sa

Letter.

To

The Secretary to Government,
Public Works Department,
Bombay.

No.G.R. 31(d). Public Works Department,
Belgaum, 28th November, 45'

Subject:- Seniority of Overseers: Principles to be followed in fixing the -.

The orders of Government regarding the fixation of seniority of permanent Overseers so far issued are contained in -

(i) Para 4(e) of G.R.,P.W.D.No. 1712/27 dated 15th August, 1929.
(ii) para 2(iv) and 3(a) of G.R. No. 1712/27 dated 9th May 1932.

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3. It is presumed that the general principles for fixing the seniority are as follows:-

(1) Pay
(2) If pay is the same, date of next increment.
(3) If date of next increment isthe same,

date of appointment to the subordinate Service of Engineers.

(4) If the above date of appointment is the same, then length of the temporary Service.

(5) If the length of temporary service is be the same, age.

The presumption may kindly be confirmed.

4. In the case of new entrants the principles enunciated in para 2(iv) of G.R.N$^{O}$. 1712/27 dated 9th May 1932 shall govern the seniority.

5. The seniority list of Overseers and supervisors for the Southern Circle corrected upto 30th June 1945 already submitted to Government with my letter No. R-21/S.C. dated 19th September 1945 may require some changes in the light of the above and a revised list will be submitted to Government on receipt of Government orders in the matter.

6. Pending the above orders the list already submitted may not kindly be sent for printing.

Sd/- .....

Superintending Engineer,S.C

True Copy,

If/-

Senior Assistant, Issue Section,

Public Works Department,

Secretariat,

Bombay.

3

Ahmedabad,
dated October, 1947.

To

The Chief Engineer & Secretary to
Government,
Public Works Department,
Bombay.

Sir,

I humbly and respectfully beg to lay the following few lines for your kind and just consideration.

I passed my D.C.E. Final Examination in 1934 from the College of Engineering, Poona. I was appointed as a permanent Overseer in this department on 12th November 1935 in the scale of Rs. 50/-4-90-4-130-5-150 and was confirmed on 12-11-1936, being a D.C.E. I drew Rs. 54/- p.m. on becoming permanent. Graduates in Engineering who were appointed as Overseers, were also put in the same grade as that for a D.C.E. Overseer, but on confirmation were given Rs. 70/-p.m. i.e. Rs. 16/- more than a contemporary D.C.E. Overseer, thereby becoming senior to the letter by four years.

Under the above circumstances I served upto 1944, immediately I joined the department in 1935, I was placed in charge of construction work (causeways and culverts) on Dohad Alirajpur Road, in Kaira Division. Even before I was confirmed the scarcity was declared in Panch Mahals and I was put in charge of 3 to 4 major tank works in addition to the construction of a new road known as anas Katmar Road (10½ miles). In the year 1938 I was transferred to Thana Division

and there I did consider-able
work of modernising of Bombay Poona and
Bombay Agra Road (Asphalt and concrete).
In the begining of 1943 I was sent on
deputation to the Military Engineering
Services ( due to war emergency works).
I served at Quetta ( Baluchistan) for 13 months.
The authorities were completely satisfied with
my hard sincere and honest work, as clearly
proved by the fact that I was promoted as S.D.O.
A copy of letter is enclosed herewith for
favour of perusal. After return from
deputation I was again posted at Baroda in
Military works sub Division and was in
charge of the Ordinance Depot, Baroda and
did a project work of about 4 lacks.
In the year 1944, after I had put in a
service of 9 years; the scale of Overseer was
revised to Rs. 70-5-110-10-150-10-250 granting
a pay of Rs. 75/- and Rs. 126/-p.m. to a D.C.E.
and B.E. Overseers resp. on being permanent.
Thus giving the seniority of 8 years to the
graduates against 4 years previously given. In
this new scale, my pay was fixed at Rs.85/-p.m. plus
Rs. 1/- ( to be absorbed in the next increment)
on 12-11-44. My pay considering my service even
more than 8 years (than the difference now kept)
ought to have been refixed at Rs. 120/-
per month from 12-11-44 and thereby maintain-
ing my seniority. In that case this rule would
not have affected me, as unjustly as it now
does; as in the present circumstances. I shall
get a pay of Rs. 120/-p.m. on 12.11-1950 i.e.
after 15 years of services. The new scale
and more particula rly the mode adopted

in refixing pay of those in service, have made it possible not only the graduates Overseers, already in the Department but for those who will be appointed upto 11-11-1949 to become senior to me. At present I am placed in charge of Gujrat College construction works (science Laboratory) costing more than 7 lacks. Inspite of my serving sincerely in proportion of my becoming old in the department, I become junior to all the graduates Overseers appointed in a span of 14 years from 1935. This has inflicted a grave injustice on me. The present policy of the Government of granting promotion in higher grade to members serving in our cadre, according to their seniority; would have made me elligible for being taken up in a superior capacity much earlier, had the circumstances under which I joined the department, prevailed throughout.

With the sincere hope, that, with the dawn of freedom and vasting a real power in the hands of our own Government whose policy is to root out all injustice and unfair treatment, that the grave injustice done to me will be removed. I earnestly request you to please take steps to refix my pay so as to enable me to enjoy my due rights according to the length of my service, to which I am entitled in ordinary case and thus remove the burden of dijection on me.

I beg to remain,

Sir,

Your Most Obedient Servant,

Sd/- 23-10-47.

Enc:
Copy of letter.

Respectfully submitted through the Deputy Engineer, I/c. City Sub Division, Ahmedabad, The Executive Engineer, Ahmedabad Division and the Superintending Engineer, Northern Circle, Bombay.

Below the Executive Engineer, A.D's Endorsement No. Ms.A/13154 dated the 31st October 1947, and accompaniments (Representation of Mr. S.D. Sighat, D.C.E. Overseer for the refixation of pay and Seniority).

No. G.52/11781. Public Works Department,
Bombay, 22nd November, 1947.

Forwarded with compliments to the Secretary to Govt. P.W.D., Bombay. for favour of consideration.

2. The criterion of pay adopted by Govt. on which the seniority of Overseers is based at present seems to be the Chief cause of Mr. Sighat's complaint, as he and other D.C.E. Overseers have ranked much junior in service since the introduction of revised pay scale of Rs. 75-5-110-10-180-10-250 for Overseers from the 1st July 1944, in Govt. Resolution, P.W.D. No. 6717/36 of 17-7-1944 in accordance with which Graduates (B.E.) Overseers are allowed Rs. 120/-p.m., whereas the D.C.E's are allowed Rs. 75/-p.m. on confirmation in one and the same pay scale.

3. On account of their superior training the graduates have to be offerred better starting pay and should rank higher in the seniority list than overseerss of the same length of service. But whether that advantage and seniority should be as much as 7 years is a point worth considering. It would probably be fair if the GRaduates are given an advantage of about 4 years in seniority and seniority list arranged accordingly.

This will avoid the heart burning which is at present caused amongst the Diploma holders as seen from Mr. Sighat's application.

Sd/-.....

Superintending Engineer,

Northern Circle.

This has been disposed of I think,
Id/- 30-3-48.

Id/- 30-3-48.

LETTER.

To

The Secretary to Government,
Public Works Department,
Bombay.

No. G.R. 31 (d). Public Works Department,
Belgaum, 28th Nov., 1945.

Subject: Seniority of Overseers:
Principles to be followed
in fixing the -.

The orders of Government regarding
.e fixation of seniority of permanent
'erseers so far issued are contained in -.

(i) para 4(e) of G.R., P.W.D. No. 1712/27
ıted 15th August 1929.

(ii) para 2(iv) and 3(a) of G.R.No.
1712/27 dated 9th May 1932.

2. In the recent revision of pay scale sanctioned for the Subordinate Service of Engineers in G.R. No. 6717/36 dated 17th July 1944, all the Graduate Overseers Drawing pay between Rs. 70/- and 120/- on the old scale and having more than one year's service have been given a monthly pay of Rs. 120/-, with effect from 1st July 1944. In the case of these Subordinates the pay and the date of next increment viz. 1st July 1945 being the same, a doubt is felt as to the basis on which their seniority should be regulated.

3. It is presumed that the general principles for fixing the seniority are as follows:-

(1) Pay.

(2) If pay is the same, date of next increment.

(3) ~~If~~ If date of next increment is the same, date of appointment to the Subordinate Service of Engineers.

(4) If the above date of appointment is the same, then length of temporary service.

(5) If the length of temporary service be the same, age.

The presumption may kindly be confirmed.

4. In the case of new entrants the principles enunciated in para 2(iv) of G.R. No. 1712/27 dated 9th May 1932 shall govern the seniority.

5. The Seniority list of Overseers and Supervisors for the Southern Circle corrected upto 30th June 1945 already submitted to Government with my letter No.R.21/S.C. dated 19th September 1945 may require some changes in the light of the above and a revised list will be submitted to Government on receipt of Government orders in the matter.

6. Pending the above orders the list already submitted may not kindly be sent for printing.

Sd/-
28/11

Superintending Engineer, S.C.

E.B(II). 7725/36/40042

P.W.Dept.

The S.E., S.C., wishes Govt. to confirm whether the seniority of Overseers, who are brought on to the revised scale of Rs. 70-5-110-10-250(Graduate to start on Rs. 120p.m. after one year's probation on Rs. 70p.m.) can be fixed according to the following general principles:-

(1) Pay.

(2) If pay is the same, date of next increment.

(3) If date of next increment is the same, date of appointmentto the S.S.E.

(4) If the above date of ~~tempy.~~ appointment is the same, then length of tempy. service.

(5) If the length of tempy. service is the same, age.

2. In para 4(c) of G.R.No. 1712/27 dated the 15-8-29, it is stated that in the case of two or more tempy. men appointed to the permt. cadre at the same time on the same pay, their seniority will be based, inter se on the length of their tempy. Service or, if that be the same, on their ages.

3. From ~~the~~ above it will be seen that the seniority of persons is to be fixed as stated by the S.E. with reference to para 3 (3) of the S.E's letter, it is stated that the pay and the date of next increment can be the same and yet the date of appointment (permt) to the S.S.E. may differ. Take for example two Graduate persons "A" and "B" appointed

(permt) to the S.S.E. in June 1941 and Sept. 1941. According to the revised scale, both of them will draw Rs. 120p.m. from 1st July 1944 and the date of their increment will also be the same i.e. 1st July 1945. The only criterion of seniority in their case is the date of apptt. to the S.S.E., as pointed by the S.E.

4. There does not appear to be any objection in fixing the seniority of new entrants in accordance with para 2(iv) of G.R.No. 1712/27 dated 9-5-1932.

5. With reference to paras 5 and 6 of the letter, it is stated that it is not desirable to hold the printing of the seniority list of Overseers and Supervisors, as the same is already being consolidated in the office. It will be sufficient, if the next seniority list of overseers and supervisors is corrected in the light of para. 3 of the S.E's letter. The S.E. may, if approved, be informed accordingly.

6. The necy. draft is put up for approval, which may issue after u.o.r. to the P&S.D. (A(R) need not be troubled with the case.

Id/- 12-1-46. Id/- 12-1-46.

P&SD
D.

The P.W.D. may be requested no. to put up the G.Rs of 15-8-29 and 9-5-32 referred to overleaf

Id/- 28-1-46 Id/- 28-1-46..

uor. to PWD dated 30th Jan., 46.

Letter.

No.7725/36-E(II). P.W.D.

B.C., 9th Feb. 1946.

To

The S.E., S.C.,

Sub: Seniority of Overseers: Principles to be followed in fixing the ---

Ref: Your letter No. G.R. 31(d), dated the 28th Nov. 1945.

2. The presumption that the general principles for fixing the seniority are as stated in para 3 of your letter, refd. to above, is confirmed.

3. The seniority of the new entrants should be governed according to principles enunciated in para 2(iv) of G.R.No.1712/27, dated the 9th May 1932.

4. It is not desirable to hold up the printing of the current seniority list of overseers and supervisors. It will be sufficient, if the next list is corrected in the light of para. 3 of your letter under reference.

By order of the G. of B.

Copy with a copy of the letter replied to, Forwarded to:

the C.E., P.W.D.,
the other S.Es of Circles.,
the El.Engr. to Govt.
the P.H.E.to Govt.
the S.O.(ElGrid),
the Dir. D.D.Chawls,

for information and guidance. Id/-

12-1-46.

Ref. to letter P.W.D. Dt 14th Jan 1946

P.W.D.
E.B(II)

7725/36

6033.

Spare copies of G.Rs No. 1712/27, dated 15-8-29 & 9-5-32, are not available in this Deptt. The P.W.D. Collections of G.Rs for the months of August 1929 & May 1932 put up, may be forwarded to the P&S.D.

Id/- 1-2-46.

Id/- 1-2-46.

u.o. to the P.&S.D. dated 2nd feb. 1946. (with collections of G.Rs for august, 1929 & may 1932.)

P&SD.
D.

Please see the P.W.D. note of 12-1-46 of the draft reply to the S.E.S.C at [illegible] to the PWD with the remark seen

Id/- 4-2-46.

Id/- 5-2-46.

uor. to PWD dated 6th Feb.46' us. (with collections of aug.1929&may1932.)

E.B(II)- P.W.Deptt.

The draft overleaf may now issue.

Id/- 11-2-46. Id/- 11-2-46.

Letter.

No. 7725/36-E(II). Public Works Department,
Bombay Castle 19th Feb. 1946.

To.

The Superintending Engineer,
Southern Circle.

Subject:- Seniority of Overseers:
Principlesto be followed in
fixing the -.

Reference: your letter No. G.R.31(d), dated the 28th November 1945.

2. The presumption that the general principles for fixing the seniority are as stated in paragraph 3 of your letter, referred to above, is confirmed.

3. The seniority of the new entrants should be governed according to principles enunciated in paragraph 2(iv) of Government Resolution No. 1712/27, dated the 9th May 1932.

4. It is not desirable to hold up the printing of the current seniority list of overseers and supervisors. It will be sufficient, if the next list is corrected in the light of paragraph 3 of your letter under reference.

By order of the Governor of Bombay,
Sd/-
For Secretary to the Government of Bombay,
Public Works Department.

---

Copy, with a copy of the letter replied to, forwarded to -

the Chief Engineer, Post War Reconstruction,
ther other Superintending Engineers of circles,
the Electrical Engineer to Government,
The public Works Health Engineer to Government
the Special Officer (Electric Grid),
the Director, Development Department Chawls,

for information and guidance.

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Poona,
9th August, 1940.

To

The Secretary to Government,
Public Works Department,
Bombay.

Subject:- Seniority List of Overseers.
Principles to be followed in fixing the seniority.

Sir,

I, Laxman Shankar Kale, Overseer, attached to the Office of the Chief Engineer, Post War Reconstruction, beg to lay the following lines for favour of sympathetic consideration and favourable orders.

The seniority of overseers is now fixed in accordance with the General principles suggested by the Superintending Engineer, Southern Circle and confirmed by Government in its letter No. 7725/36-E.II dated 19-2-46. The principles approved are as under :-

(i) Pay, (ii) if the pay is same date of next increment, (iii) if the date of next increment is the same, date of appointment to the subordinate service of Engineers, (iv) if the above date the appointment is the same, then length of tempy. service, (v) if length of temporary service is the same, then age.

The first principle "Pay" is primordial, but second principle "date of increment" seems to be a new one, probably introduced on basis of proposals of the Superintending Engineer, Southern Circle.

The seniority of overseers was fixed so far in accordance with the orders contained in Government Resolutions No. P.W.D. 1712/21 dated 15-8-29 and No. 1712/27 dated 9-5-1932. In these Resolutions there is no mention about the date of increment as a basic principle. The practice hitherto followed was to fix up the seniority on the pay drawn pn 30th June and if the pay is the same, then in the date of appointment to the subordinate service of Engineers. This can be very well seen from the Twins noted below, as per the printed seniority list of 1944.

NORTHERN CIRCLE.

| S.No of the list. | Name. | Date of birth | Date of appointment to S.S.E. | Lengthof total Service. | Pay on 30-6-44. | Observations. |
|---|---|---|---|---|---|---|
| 37. | R.H.Shaikh | 1-4-05 | 24-4-37 | 7-2-27 | 94 | Mr. S.A.Patel |
| 38. | S.A.Patel. | 20-1-06 | 12-1-38 | 11-0-15 | 94 | gets increment in January and then Mr. Saikh in April to obtain the same pay. |
| 44. | S.D.Sighat | 18-5-11 | 12-11-35 | 8-7-19 | 82 | Mr. Bhate gets increment first in october and then Mr. Sighat in November. |
| 45. | D.D.Bhate | 25-3-19 | 9-10-36 | 7-10-18 | 82 | |
| 50 | K.N. Jani | 20-1-13 | 1-11-40 | 3-8-0 | 78 | Mr. Shah gets increment first in july and then Mr. Jani in Nov. |
| 51 | B.G.Shah | 7-12-15 | 1-7-41 | 4-5-8 | 78 | |
| 53 | S.H.Risbud | 15-3-14 | 1-4-40 | 7-3-14 | 74 | Mr. Shah gets increment first in july and then Mr. Risbud in April. |
| 54 | A.M.Shah | 13-11-14 | 1-7-41 | 3-0-0 | 74 | |

CENTRAL CIRCLE.

| | | | | | | |
|---|---|---|---|---|---|---|
| 37 | G.B. Agarkar | 19-5-14 | 25-10-34 | 9-8-6 | 86 | Mr.Malshe gets increment first on15-10-& then Mr. Agarkar o n 25 october. |
| 38 | N.S.Malshe | 13-5-12 | 15-10-38 | 5-8-16 | 86 | |

From the above list, it will be seem that date of appointment was given preference to the date

of increment.

The revision of scale of subordinate service of Engineers on 1-7-1944 gives advantage to certain overseers of changing the date of increment, but this should not as a rule give them right to supersede in seniority i.e. according to the 2nd principles now introduced. In the revised scale, pays of Graduate overseers have been fixed at Rs. 120/- from 1-7-1944, with their dates of increment on 1-7-1945. I also after earning increment on 19-10-44 in the revised scale get Rs. 120/-; but my date of increment being in October 45, I am placed below all the Graduate overseers getting Rs. 120/- According to the 2nd principle of date of increment my rank thus fixed prejudiciously affects my seniority and eventually for the selection and promotion to the B.S.E. Class II. Many Graduates overseers with two to five years of service who were junior to me in the last seniority list are placed above me, though I am getting the same pay as that of graduate overseers on 30th June 1946. I am appointed as a permanent overseers since 19th October 1934 and having 11-1/2 years of permanent service at my credit to this date.

It may also be pointed out that para 4(e) of G.R. 1712/27 dated 15-8-1929 reads as under, as regards fixing of seniority of temporary overseers made per-manent.

"As regards seniority, a temporary subordinate appointed to the B.S.E. Service will be placed below most junior permanent

overseer in the Circle drawing the same pay as the intitial pay of the appointee calculated as above. In the case of two or more temporary men appointed to the permanent cadre at the same time on the same pay the seniority is based on the length of temporary service or if that is the same on their ages."

The above noted extract of G.R. mentions all the principles excepting the date of increment, which is now introduced. On the plea of orders contained in para 4(e) noted above, it is obvious that men getting increase due to revision of scale should be placed below the junior most overseers getting the same pay with the benefit of revision of scale.

It may be pointed out that any modifications in the rules and regulations should not prejudiciously affect those already in service. Though the scales of pay were revised as per G.R., F.D. 150/36 dated 28-12-1933, all the old subordinates i.e. those who had joined before 4th August 1931 were given old scales of pay, not only permanent subordinates but temporary and work-charged also, who had no lien for the substantive posts. A number of cases have been decided by Government with this principle in view.

It will not be equitable that the principles now suggested by the superintending Engineer, Southern Circle should adversely affect seniority of men like myself and I request your honour to modify the principles issued in Government letter No.7725/36-E.II dated 19-2.46, inter-changing tthe 2nd and 3rd principles in the circumstances explained above.

This will redress my grievance and those sailing in the same boat like myself. For the act of sympathetic consideration and justice, I shall be highly obliged to your honour.

I beg to remain,

Sir,

Your most obedient servant,

Sd/- 9-8-46.

Overseer.

Respectfully submitted through :-

The Chief Engineer,

Post War Reconstruction,

Poona.

Below Mr. L.S. Kale, D.C.E.,
Overseer's representation dated 9th August 1946 addressed to the Secretary to the Government of Bombay, Public Works Department, Bombay, regarding: Principles for fixing the seniority of Overseers.

---

No.207/46-E. Office of the Chief Engineer,
Post War Reconstruction,
Poona, 23rd August 1946.

Passed on. The request made by Mr. Kale is not recommended.

2. Mr. L.S.Kale, Overseer, has not a genuine grievance and there seems no justification to modify the general principles which have been accepted by Government for fixing the seniority of members of Subordinate Service of Engineers.

Sd/-
23-8-46.
For Chief Engineer,
Post War Reconstruction.

E.B.(II) 7725/36
34017

Public Works Department,

In Govt. letter No. 7725/36-E(II), dated the 19th Feb. 1946, it has been directed that the seniority of overseers should be fixed according tothe following general principles:-

(a) Pay.

(b) If pay is the same, date of next increment.

(c) If date of next increment is the same, date of appointment to the S.S.E.

(d) If the above date of apptt. is the same then length of tempy. service.

(e) If the length of tempy.service be the same, age.

2. For the reasons given, Mr. L.S. Kale D.C.E., permanent overseer, requests that (b) and (c) above may be interchanged. In this connections attention is invited to para 4(e) of G.R. No. 1712/27, dated the 15th August, 1929, which for facility of reference is reproduced below :-

"As regards seniority of a tempy. subdte. appointed to the Bombay Subdt. Service of Engrs. will be placed below the most junior permanent overseer in the Circle drawing the same pay as the initial pay of the appointee calculated as above. In the case of two or more tempy. men appointed to the permanent cadre at the same time on the same pay, their seniority will be based, se on the length of their tempy. service, or if that be the same on their ages."

It will, therefore, be seen that all along pay has been considered by Govt. as the

main factor in deciding the seniority.
It is true, as pointed out by Mr. Kale, that in previous orders Govt. did not make any mention about the date of increment as a basic principle. The date of increment, how ever, determines the pay. Take for example the case of two persons "A" and "B" drawing the same pay of Rs. 120 on 1-8-46 in the S.S.E. scale of Rs. 70-5-110-10-250 and their date of increment being 1st January and 1st June, respectively. Though their pays are the same on 1-8-46, yet the pay of "B" was only Rs.110 p.m. (say on 1st April) When "A" was already in receipt of Rs. 120p.m.

3. In the circumstances, the request of Mr. Kale may perhaps be refused and the orders issued in the G.L. at p. ante may stand. The Chief Engineer, P.W.R., also states that Mr. Kale has not a genuine grievance and does not recommend his request.

Id/- 2-10-46.

Id/-3-10-46.

Letter.

No.7725/36-E(II). P.W.Deptt,
B.C.7th Oct.;1946.

To

The C.E., P.W.R.

Subject:- Principles to be followed in fixing the seniority of overseers.

Refe: .Your endt. No.207/46-E, dated the 23rd August. 1946-.

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2. Mr. L.S. Kale, permt. Overseer, should please be informed that the orders issued in G.L. No. 7725/36-E(II), dated the 19th Feb. 1946, cannot be modified.

D.A.Nil.

By order etc.,

Id/- 4-10-46.
Id/- 4-10-46.

Id/-
10-10-46.

Statement showing the Seniority of some of the permanent overseers of the Project Organization.

| Name. | Date of birth. | Date of appointment to S. S. E. | Total service in P.W.D. on 30-6-1944. | Pay in the old scale on 30-6-44. | No. in order of seniority in the old scale. | No in order of seniority in the new scale on 1-7-44. | Pay in the new scale on 1-7-44. | Remarks. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | Y. M. D. | Rs. | | | | |
| Mr. L.H. Mehta, B.E. | 9-2-1913 | 1-4-1943 | 2-10-0. | 86/- | 1 | 4 | 120/- | |
| Mr. H.K. Kanbi, B.E. | 13-11-1914 | 24-6-1940 | 4-8-22 | 78/- | 2 | 1 | 120/- | |
| Mr. A.M.Shah, B.E. | 13-11-1914 | 1-7-1941 | 3-0-0 | 74/- | 3 | 2 | 120/- | |
| Mr. D.Vyas, B.E. | 29-4-1919 | 12-7-1941 | 2-11-20 | 74/- | 4 | 3 | 120/- | |

Id/-
Sjt.2X.

Sd/- 3/10/44
Chief Engineer,
Post War Reconstruction,

No.207/46-E.

Office of the Chief Engineer,
Post War Reconstruction,
Poona, 2nd October, 1946.

To

The Secretary to the Government of Bombay,
Public Works Department,
Bombay.

--Seniority of certain overseers--

I am to forward herewith an extract from the seniority list of 4 permanent graduate overseers in the Project Organization in the old scale of pay as it stood on the 30th June 1944. In accordance with the principles of fixing the seniority of overseers communicated in Government, Public Works Department letter No.7725/36-E (II) dated the 19th February 1946, the seniority of these overseers was regulated in the revised scale as shown in column 7 of the statement.

2. This has. however, resulted Mr. Mehta from serial No. 1 going down to serial No 4, thus causing a supercession by serial numbers 2, 3 and 4, although the latter were junior to him in the old scale.

3. It has been represented on these orders that the introduction of the new scale should not disturb the seniority of overseers existing prior to such a change. As these overseers belonged to the Northern Circle, the point was referred to the superintending Engineer, Northern Circle and that officer has replied under his No.

G-52/7156 dated the 16th August 1946 that the seniority of the 4 overseers as regulated in column 7 of the statement is just equitable and needs no chang

4. Mr. L.H. Mehta, permanent overseer, Now temporary officiating Deputy Engineer in the Road Projects Division (North), has now pressed that as he was already senior in the old seniority list on account of his higher pay of the new scale, bringing the pays of all the 4 overseers to Rs. 120/-, which is the initial salary for Engineering Graduates in the new scale, should not deprive him of his seniority ~~of his~~ which he enjoyed so far.

5. I consider that there is some force in the argument advanced by Mr, Mehta that the new scale should not prejudice his seniority once fixed. It is, therefore, requested that Government may kindly be moved to issue necessary orders in the matter. Mr. Mehta's request is recommended.

Sd/-
3-10-46.
Chief Engineer,
Post War Reconstruction.

D.A.:- 1 Statement.

E.B.(II). 7725/36/40360

P.W.D.

In Government letter No. 7725/36-E (II), dated the 19th February 1946, it has been directed that the seniority of overseers should be fixed according to the following general principles :-

(a) Pay.

(b) If pay is the same, date of next increment.

(c) If date of next increment is the same, date of appointment to the S.S.E.

(d) If the above date of appointment is the same, then length of tempy. service.

(e) If the length of temporary service be the same, age.

2. The above orders were issued in view of the S.E., S.C's letter No.G.R.31(d), dated 28th November, 1945. At the time of writing the note at pp. 3-4 ante, it is regretted that it was not realised that such a big difference, as pointed out by the C.E., P.W.R., would occur in the existing list of seniority of Overseers. It seems that it is reasonable, as stated by C.E., P.W.R., that the Seniority once fixed shouldnot be altered by a mere revision of pay-scale.

3. In the circumstances, it is for consideration whether the orders issued in G.L.No. 7725/36-E(II), dated the 19th February 1946, may be revised and the local officers may be informed that the seniority of overseers already fixed before the revision of pay-scale of overseers should not be changed. The principles enunciated

in the G.L. of 19th February 1946 may perhaps be made applicable to new entrants. The The P &S.D. may see before issue of orders.

Id/- 13-11-46. Id/- 17-11-46.

U O to P & S D dated 19-11-46.

P & S. Deptt.

Please see the PWD under dated the 19th February, 1946 and the proceedings underlying it. In the principles adopted by the PWD for determining the seniority inter se of members of the Sub. senior of Engineers, it was laid down that (i) the seniority should be determined according to pay, and (ii) if the pay of more than one officer is the same, according to the dates of their next increment and (iii) if thesealso are the same, according to the dates of their appointment to the sub. senior of Engineers. The pay of all the members of S.S.Engineers in question was fixed at Rs. 120p.m. for 1-7-44, and their next increment a-lso fall due on common date, viz. 1-7-45. Hence their seniority had to be fixed according to the dates of their appointment to the S.S.E.

It is true that, as stated by PWD, it is reasonable that seniority once fixed should not be revised because of a revision of pay scales. But the revision of pay scales does not seem to be an accident. It will be seen that Mr. Mehta whose case is mentioned by the Chief Engineer, Post War Reconstruction, claimed seniority over the three other overseers because of his pay and not by length of service. If, therefore,

Government has accepted the principle that the pay of all overseers should be equalized the pay of all was fixed at Rs. 120 p.m. irrespective of that previous pay - it is natural that ~~the~~ he should forego his seniority which rested solely on his pay and his seniority should be refixed in accordance with the new principles accepted by Government. It will thus be seem that there is much to be said on both the sides viz. (i) applying the principles to all irrespective of their original seniority and (ii) Keeping the previous seniority inact and applying the principles enunciated in the PWD letter dated the 19-2-46, only to new entrants. This Deptt. may therefore, perhaps suggest that before any final decision is taken all the supemintending Engineers who actually ~~note~~ work the principles should be consulted in the matter.

Id/- 20-11-46.

at "A" above.

Id/- 2-12-46.

Yes: the S.Es might be asked if there are many cases in which the system has worked hardly Par Se the system same logical and Sound.

Id/- 16/12 ur. to PWD dated 16-12-46,

7725/36

E.B (II). P.W.D.

Submitted with referenceto this Department u.o.r. dated 19th November 1946.

2. In view of the P &S.D. note, the draft put up may issue, if approved.

Id/- 6-1-47.

Id/- 6-1-47.

7725/36/51583-

Letter.

No. 7725/36-E(II).

Public Works Department,
Bombay Castle, 9th Janaury, 1947.

To

The Superintending Engineers of Circles,
The Public Health Engineer to Govt.

Subject:- Seniority of Overseers.

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Reference: Correspondence resting with G.L.No. 7725/36-E(II), dated the 19th February 1946.

2. I am directed to forward herewith copies of letter No. 207/46-E, dated the 2nd October 1946, from the C.E., P.W.R., and its accompt. and to enquire whether there are many cases of this type in your Circle in which the seniority of Overseers is affected due to orders issued in the G.L.quoted above.

3. You are also requested to state, giving reasons, whether you consider it is desirable to refix the seniority of all the overseers on the principles enunciated in G.L.No.7725/36-E(II), dated the 19th Feb. 1946, or whether you think that the seniority of overseers already fixed before the revision of payscale should not be changed and that orders issued in the G.L. of 19th Feb., 1946 should be made applicable to new entrants.

By order of the Governor of Bombay,

D.A:- Letter and its accompaniment.

Copy forwarded to the C.E.,P.W.D., for information.

Id/-4-1-47.
Id/-6-1-47.

No.G.52/ 1584 Public Works Department,
Bombay, 15th February, 1947.

To

The Secretary to Government,
Public Works Department.
Bombay.

Subject :- Seniority of Overseers.

Reference: Government letter, Public Works Department, No. 7725/36-E(II), dated 9th January, 1947.

2. There are in this Circle also several casds in which the seniority of overseers has been adversely affected both due to the revision of the scale of pay and to the orders issued in Government letter, Public Works Department, No 7725/ 36-E(II), dated 19th February 1946, thus causing them injustice.

3. In order therefore to remove this grievance, I consider that the seniority of overseers already fixed before the revision of the pay scale should not be changed and that the orders issued in the Government letter of 19th February 1946, should only be made applicable to these appointed to the subordinate Service of Engineers after 1st July 1944.

Sd/- 15/2/47
Superintending Engineer, N.C.

BAM. 14/2.
Id/-

LETTER.

From

E.P. Little, Esquire, I.S.E.,
Superintending Engineer, S.C.

To

The Secretary to Government,
Public Works Department,
Bombay.

No. G.R.31/D. Public Works Departm.
C.V. Belgaum, 18th Feb.1947.

Subject :- Seniority of Overseers.

Reference :- Government Letter No. 7725/36-E (II), dated the 9th January 1947.

With reference to the above, I have to state that there are no such cases of Overseers in this Circle whose seniority is affected adversely due to orders issued in Government Letter No.7725/36-E(II), dated the 19th February 1946.

2. I am of opinion that it is desirable to refix the seniority of all the Overseers on the principles enunciated in the Government Letter referred to above. The reason is that prior to the introduction of the revised scales of pay, higher starting pays had to be offered to secure Overseers, on account of the acute scarcity, then prevailing, of suitably qualified men to take these posts. Superintending Engineer gave different pays between the minimum and maximum fixed by Government in consideration of previous experience, if any. This, however, created an anomalous position, in that, men

with the same qualifications and practically no service in the Department started drawing higher salaries than their colleagues who had put in longer service, and also became senior to them on this account, on their promotion to Subordinate Service of Engineer as their pay was fixed by applying 16% cut as pay drawn is regarded as the first criterion for fixing seniority, and not the length of Service. This naturally created a sort of dissatisfaction.

3. When, however, the revised scale ofpay was introduced, all the Graduate Overseers who were drawing pays less than Rs. 120/- were given the same pay viz. Rs. 120/- irrespective of the pays previously drawn by them and their length of service. The pay drawn being thus the same, the length of service naturally became the creterion for seniority and the anomaly printed out above was thus set right by adjusting the seniority of all the Overseers accordingly.

4. In view of the orders since issued by Government vide Government Letter (P.W.D.)No. 4051/36-E(II) dated the 23rd December 1946, in connection with the fixation of pay of temporary Overseers appointed on higher starting pays on their promotion to the Subordinate Service of Engineers, the anomaly complained of in the foregoing paras will not now arise.

5. It is but fair that the seniority of Overseers with similar qualifications should be governed by the length of their permanent service in the epartment, and this principle has already een recognized by Government. They should not, n my opinion , deviate from it on the

ground that, by its adoption, the seniority which certain overseers enjoyed prior to the revision of the pay scale is affected, because that seniority was not correct from the points of equity and justice.

Id/-

Superintending Engineer, S.C.

Id/-

Letter.

No. G-40/1414 of 1947.

P.W.D. Project Circle Office,
Poona: 15th March 1947.

To

The Secretary to Government,
PUblic Works Department,
'BOMBAY.

Subject :- Seniority of Overseers.

Referen-- : Government Letter (P.W.D.) No. 7725/36-E(II), dated 9th Jan. 1947.

2. There are 15 cases of the type in this Circle in which the seniority of Overseers is affected due to the orders issued in the Government letter No. 7725/36-E(II) dated 19-2-1946.

3. The alternative that the seniority of Overseers already fixed before the revision of pay scale should not be changed and that orders issued in the Government letter of 19th February 1946, should be made applicable to new entrants is the more equitable and may be adopted in my opinion.

Id/-
Superintending Engineer,
Porject Circle.

ABS.15.3
Id/-

Through:-the Chief Engineer, P.W.D. Poona with compliments.

No.207/46-E. Office of the Chief Engineer, Public Works Department, Poona 1, 19th March 1947.

Passed on.

Sd/-

For Chief Engineer,

Public Works Department.

E.B.(II)

Similar reports from the marginally noted officers may be awaited for a fortnight more.

Id/-
24-3-47

Id/-
25-3-47.

47

No.G.40/2048 of 1947.
Public Works Department,
Poona, 26th March, 1947.

To

The Chief Engineer and Secretary to
Government,
Public Works Department,
Bombay.

Subject:- Seniority of Overseers.
Reference :- Govt. Letter No. 7725/36-E(II)
dated 9th January, 1947.

The seniorities of the Overseers in this Circle have already been fixed generally on the principles confirmed in Govt. letter, P.W.D No.7725/36-E(II) dated 19th February 1946 and Graduate Overseers, on their initial pay of Rs. 120/-p.m. have been given revised seniority over D.C.Es. in accordance with the pays fixed according to the new revised scales of pay and length of service. I do not advise any reopening of such cases.

2. New entrants should be governed, as regards their seniority by the Govt. orders of 19th February 1946. The adoption of any other procedure would be administratively undesirable, because it would mean that every time Govt. modified, in any way, pay scales and/or starting pays, the whole business of refixing seniorities would have to be considered again, thereby running a risk of creating discontent. There are numerous precedents in which the principles of treating old cases as closed finally has been adopted in the past. In my opinion once a man's seniority has been fixed, it

should stay fixed and not be liable to change as a result of subsequent developments.

3. I agree with the views of the superintending Engineer, Northern Circle, as mentioned in para 3 of the Chief Engineer, P.W.D., Poona's letter No.207/46-E dated 2-10-47, having regard to the fact that the seniority in the cases quoted has been fixed on the length of service, as the pays of all the persons concerned are equal.

Sd/-
26-3
Superintending Engineer,
Central Circle.

D.P.Gh.
25-3-47.

E.B.(II).

Similar reports from the S.E., D.I.C., and the P.H.E. to Govt. may be awaited $ They have been expedited.

$ Under No. 7725/36-E (II) dated the 9th April, 1947.

-4-1947

-4-1947.

Id/- 9-4-47

Id/- 10-4-47.

Issued
9/4

Below G.C.M., P.W.D. No. 7725/36-E(II), dated the 9th April, 1947 regarding Seniority of Overseers.

.....

Very Urgent. No. 3038 of 1947,

Poona 1: 16the April 1947.

Copy forwarded to the Executive Engineer, Nasik Irrigation Division for favour of immediate remarks called for in this office endorsement No. 357 dated the 16th January, 1947.

Sd/-

Superintending Engineer, D.I.C.

Svb.15.4

Copy forwarded to the Assistant Secretary to the Government of Bombay, Publi Works Department, Bombay.

51.

Letter.

To

The Secretary to Government
Public Works Department,
Bombay.

No.A.133/3536 of 1947.

Poona 1, May 13th 1947.

Subject:- Seniority of Overseers.

.....

Reference : Government, P.W.D., letter No.7725/36-E(II), dated the 9th January 1947.

2. I am of opinion that the seniority of Overseers arranged already before the revisio of pay scales should not be changed and the orders issued by Government under Public Works Department letter No. 7725/36-E(II), dated the 19th February, 1946 should be made applicable to new entrants only.

3. I have in my Circle no cases of the type as all the overseers have maintained the same rank in seniority after revision of the scale.

Id/-

Public Health Engineer,
to the Government of Bombay.

Encl:Nil.
ICV.13.
Id/-

Expedite the S.E., DI.C.

Id/- 14-5-47. Id/- 15-5-47.

E.B.(II).

The S.E., D.I.C. expedited under No. 7725/36-r(II), dated the 17th May 1947, Marked Urgent.

53

Letter.

No.4195. Deccan Irrigation Circle,
Poona 1:20 May 1947.

To

The Secretary to the Govt. of Bombay,
Public Works Department,
Bombay.

Subject:- Seniority of Overseers.

Reference Government letter, P.W.D.No. 7725/36-E(II) dated the 9th January 1947.

2. There are not many cases of the type referred to in the letter of the Chief Enginee Public Works Department.

3. Regarding paragraph 3 of the Government Letter, I am of opinion that the principles enunciated in Government letter, P.W.D. No. 7725/36-E(II), dated the 19th February 1946 are fair and may be continued as an individual is allowed higher pay either for his higher academical qualifications or for his merit and as such should be senior. I have only to suggest that clause (3) of paragraph 3 of Superintending Engineer, Southern Circle's letter No. G.R.31(d), dated the 28th November 1945, should be amended as under:-

"(3) If date of next increment is the same date of substantive appointment to the Subordinate Service of Engineers."

Sd/-
Superintending Engineer, D.I.C.

plv.20.5. Id/-20-5

55

LETTER.

From

E.P. Little, I.S.E.,
Superintending Engineer, S.C.

To

The Secretary to Government,
Public Works Department,
BOMBAY.

No.G.R.31. Public Works Department,
Belgaum, 6th June, 1947.

Subject:- Seniority of Overseers.

I have to give below the details of services rendered by each the following two overseers for perusal :-

| Name of overseer. | Details of Service on work-charged & Temporary Establishment. | Date of appointment to permanent establishment. | Birth date. |
|---|---|---|---|
| 1. Mr. S.M.Madbhavi | Work-charged establishment approximately 1-10-0 Temporary Establishement from 1-7-1938 to 31-10-1938. | 1-11-1938 | 9-10-1908 |
| 2.Mr.K.B.Ghumare. | Work-charged Establishement approximately 1-5-0 Temporary Establishment from 1-5-1938 to 31-10-1938 | 1-11-1938 | 7-1-1910 |

2. From the above details it would be seen that continuous service rendered by Mr.Madbhavi Overseer is longer than that of Mr. Ghumare.

3. The principle to be followed in fixing the Seniority of two or more overseers appointed, to the S.S.E. on one and the same date are laid down in paragraph 4(e) of Government Resolution (P.W.D.) No. 1712/27, dated 15th August 1929. Both Messrs. S.M.Madbhavi and K.B.Ghumare were appointed to the S.S.E. on 1st November 1938 and as the date of increments in the case of both these overseers is one and the same their seniority has been fixed on the basis of the length of total service (Temporary including work charged and permanent) and Mr. Madbhavi has been put above Mr. Ghumare. Mr. Madbhavi is also older than Mr. Ghumare.

4. Mr. Ghumare has however represented to me that as both of them Messrs. Madbhavi and Ghumare - were appointed to the S.S.E. on the same date the next criterion for fixing the seniority is the length of temporary service(Mr. Ghumare takes temporary service as service on the temporary establishment only as against the interpretation of this office which is all service whether on the work charged or on the temporary establishment i.e. exclusive of permanent establishment) and accordingly he should be put above Mr. Madbhavi as he was appointed to the temporary establishment two months earlier than Mr. Madbhavi.

5. In this connection I would point out that this anomaly has arisen as the appointments of overseers to the temporary and work-chargedestablsihments are

according as these posts are sanctioned for their Divisions without consideration of seniority of Overseers already serving in other Divisions on the work charged establishment .

If therefore the "length of temporary service" as used in the Government Resolution is to be interpreted as service purely on the temporary establisshment only, it will mean hardship to those who are working on the work-charged establishment prior to such men and who are seniors by reason of their total service, for no fault of theirs as in the case in question.

6. I hold the view that the total length of service should be taken to mean inclusive of continuous workcharged and temporary service on the basis of equity and justice. Government orders in the matter are solicited,

/d/-

Superintending Engineer, S.C.

SBK.

E.B.(II). 7725/36.

P.W.D.

Seniority of Overseers.

The starting pay of a tempy. Overseer on promotion to the S.S.E. is refixed either by reducing his temp. pay by 16 per cent, or by calculating it on the basis of his length of service minus one-fifth thereof, whichever is less. His seniority in the S.S.E. is fixed on the basis of this reduced pay. The benefit of inflated temp. pay is thus eliminated, when a temp. subordinate is made permanent. This has worked well on the whole, except in isolated instances, where the temp. pay is much low as compared with the length of service.

2. Orders re: seniority of Overseers were issued in para.4(e) of G.R.No. 1712/27, dated the 15th August 1929, and in para 2(iv) of G.R,No.1712/27, dated the 9-5-1932, as follows:-

"As regards seniority, a temporary subordinate appointed to the Bombay subordinate service of Engineers will be placed next below the most junior permanent Overseer in the Circle drawing the same pay as the initial pay of the appointee, calculated as above. In the case of two or more temporary men appointed to the permanent cadre at the same time on the same pay, their seniority will be based, inter se on the length of their temporary service, or, if that be the same, on their ages;"

"New entrants should rank below men already in service on the same rate of pay, and the seniority of new entrants on the same rate of pay should be fixed inter se in the following order:

(a) Graduates of recognised Universities.

(b) Non-Graduates, i.e. men who have completed a course for graduation but have failed to take a degree.

(c) Men holding diplomas of recognised colleges.

(d) Men not holding such diplomas.

Seniority should be fixed inter se among graduates and diploma-holders in accordance with the position they gained in the final examination, and among non-graduates and non-diploma holders in consideration of their age and experience."

3. According to G.L. dated the 19-2-1946 within, the seniority of Overseers is to be fixed on the basis of -

(a) Pay.

(b) If pay is the same, the date of next increment.

(c) If the date of next increment is the same, the date of appointment to the S.S.E.

(d) If the date of Appointment to the S.S.E. is the same, the length of xxx temp. service.

(e) If the length of temp. service is the same, the age.

The above criteria for fixing seniority, which are in accord with the orders in para.2 above, seem to be quite sound and there appears to be no reason why they should be departed from in any particular cases.

4. A revised pay scale of Rs. 70-5-110-10-250 was sanctioned for the S.S.E. from the 1-7-1944, with a starting pay of Rs. 120/- to B.Es. As a result of this, the pay of all B.Es., which was less than Rs. 120, was levelled up to Rs. 120 from the 1-7-1944 (which became the new date of increment in the case of all), irrespective of the different rates of pay previously drawn by them, which governed their seniority. The pay of non-B-Es. which was less than Rs. 70 was similarly levelled up to Rs. 70 from the 1-7-1944. The seniority of the Subordinates whose pay was thus levelled up had to be refixed on the basis of para. 3(c) above, as their pay and the date of increment became the same on the introduction of the revised scale. Previously, their seniority had been fixed on the basis of the different rates of starting pay drawn by them on promotion to the S.S.E. Graduate Overseers having been given much higher starting pay in the revised scale gained also in seniority over non-graduate Overseers.

5. The statement at p.31 ante illustra the refixation of seniority of 4 subordinates on the basis of the orders in para. 3 above due to the introduction of the revised pay-scale. There appears, however, something wrong with the pay(Rs.86) of Mr. Mehta (who is shown to have lost his seniority), which should not be higher than that of the other 3 subordinates in view of their respective lenghts of service, if Mr. Mehta's pay had been properly refixed on promotion to the S.S.E. in accordance with para.1 above. Mr. Mehta can

have therefore no legitimate grievance, if his seniority was changed on the basis of the orders in para. 3 above, if his pay on promotion to the S.S.E. had not been properly refixed. According to the S.E.,N.C., Mr. Mehta's revised seniority was equitable and required no change,.

6. In G.L.dated the 9-1-1947, the S.Es were consulted in regard to such cases where the seniority previously fixed was affected as a result of the introduction of the revised pay-scale on account of the orders in para 3 above whether these orders should apply in future only and in not in past cases where the seniority had already been fixed. The S.Es' reports do not show that the question at issue was fully considered. They do not throw any light why the orders in para.3 above should adversely affect the seniority previously fixed, except in cases where the pay on promotion to the S.S.E. was not properly refixed in accordance with para. 1 above. The S.E., S.C., is strongly in favour of th seniority being refixed on the basis of the orders in para. 3 above which he considers equitable.

7. In fixing the starting pay in apptt. to the S.S.E on the basis of length of service minus one-fifth the the total period of service, both temp. and work-charged is taken into account, and not temp. service only. Similarly, in applying the criterion in para. 3 (d) above in fixing seniority both temp. and work-charged service should be taken into account. Otherwise, subordinates with longer work-charged service will unnecessarily suffer in seniority for no fault of their own, as explained in the S.E., S.C.s. letter dated 6-6-1947.

8. As regards the S.E., S.C's letter dated the 18-2-47, the anomalous position mentioned therein cannot ordinarily arise, as temp. subordinates on appointment to the S.S.E. cannot gain in pay and seniority over permanent men on account of their inflated temp. pay, as it is reduced and properly refixed on apptt. to the S.S.E. in accordance with the orders in para. 1 above.

9. The orders in para 3 above are quite reasonable and there appears to be no reason why they should not be followed in all cases, bith poast and ~~fwrx~~ future, and why the seniority should not be properly refixed, where necessary, in accordance with those orders. If this is approved, the draft letter put up may issue after u.o.r. to the P. and S.D. and with the approval of the H.M.,P.W.D.

Id/- 18-11-47. Id/- 21-11-47

Id/- 21-11-47 (H.M.P.W.D.)

uo to P &S.D. dated 22nd November 1947.

~~P.W.D.~~. P &S. D.

Seen and return to P.W.D.
(Please see P&S.D. note dated the 30-11-46 and D.S.'s and C.S.'s notes below it)

Id/- 26-11-47. Id/- 29-11-47.

Id/- 1-12-47

uor. to PWD dated 2-12-47.

65

"True Copy"

3rd March, 1942.
Quetta, No. S.20/21/E.1.

To

The Superintending Engineer,
P.W.D. Northern Circle,
Bombay.

From

The Garrison Engineer, Kalat,
Quetta.

Overseer Mr. S.D. Sighat.

Reference your No.652/903 of 1943 dated the 28th January 1943, on reversion of Mr. S.D. Sighat to the Bombay P.W.D. I have to state that he has worked under me most of the time he has been with the M.E.S.

He has shown him self to be a most intellegent, capable and reliable subordinate and made himself most useful as a result he was prmoted to S.D.O.

It is hoped, therefore that he will be granted a special increment and obtain early promotion to S.D.O in the P.W.D. and that his services on deputation away from Bombay P.W.D. will not handicap his chances in these respects.

Sd/- A.G.E. Endrews.
Captain I.E.

Garrison Engineer, Kalat,
Quetta.

67

Ahmedabad,
Dated 29th October, 1947.

To

The Chief Engineer & Secretary
to Government,
Public Works Department,
Bombay.

Sir,

I humbly and respectfully beg to lay the following few lines for your kind and just consideration.

I passed my D.C.E. Final Examination in 1934 from the college of Engineering, Poona. I was appointed as a permanent overseer in this department on 12th November 1935 in the scale of Rs. 50/-4-90-4-130-5-150 and was confirmed on 12-11-1936. Being a D.C.E. I draw Rs. 54/- p.m. on becoming permanent. Graduates in engineering who were appointed as Overseers, were also put in the same grade as that for a D.C.E. Overseer, but on confirmation were given Rs. 7/-p.m. i.e. Rs. 16/- more than a contemporary D.C.E. Overseer, thereby becoming senior to the latter by four years.

Under the above circumstances I served upto 1944, immediately I joined the department in 1935, I was placed in charge of construction work (causeway and culverts) on Dohad Alirajpur Road, in Laira Division. Even before I was confirmed the scarcity was declared in Panch Mahals and I was put in charge of 3 to 4 major tank works in

addition to the construction of a new road known as anas Katmar Road(10½ miles). In the year 1938 I was transferred to Thana Division and there I did considerable work of modernising of Bombay Poona and Bombay Agra Road (Asphalt and Concrete). In the begining of 1942 I was sent on deputation to the Military Engineering services (due to War emergency works). I served at quetta (Baluchistan) for 13 Months. The Authorities were completely satisfied with my hard sincere and honest work, as is clearly proved by the fact that I was promoted as S.D.O. A copy of letter is enclosed herewith for favour of perusal. After return from deputation, I was again posted at Baroda in Military Works Sub Division, and was in charge of the Ordinence Depot. Baroda and did a project work of about 4 lacks.

A.G.
Received for favourable consideration experience d.m.-overseers are handicaped by the present scale.

In the year 1944, afterI had put in a service of 9 years; the scale of Overseers was revised to Rs. 70-5-110-10-180-10-250; granting a pay of Rs. 75/- and Rs. 120/-p.m. to a D.C.E. and E.E. Overseers resp. on becoming permanent, thus giving the seniority of 8 years to the graduates against 4 years previously given. In this new scale, my pay was fixed at Rs. 85/-p.m. plus Re.1/- (to be absorbed in the next increment) on 12-11-44. My pay considering my service, even more than 8 years (than the difference now kept) ought to have been refixed at Rs. 120/- per month from 12-11-44, and thereby maintaining m seniority. In that case this rule would not have affected me, as unjustily as it now does; as in the present circumstances. I shall get a pay of Rs. 120/- p.m. on 12-11-1950 i.e. after

15 years of services. The new scale, and more particularly the mode adopted in refixing pays of those in service, have made it possible not only for the graduates overseers, already in the Department, but also for those who will be appointed upto 11-11-1949 to become senior to me. AT present I am placed in charge of Gujrat College construction Works (Science Laboratory) costing more than 7 lacks. Inspite of my serving sincerely in proportion of my becoming old in the Department, I become junior to all the graduates overseers appointed in a span of 14 years from 1935, This has inflicted a grave injustice on me. The present policy of the Government of granting promotion in higher grade to members serving in our cadre, according to their seniority; would have made me elligible for being taken up in a superior capacity much earlier, had the circumstances under which I joined the department, prevailed throughout.

With the sincere hope, that, with the dawn of freedom and vesting a real power in the hands of our own Government whose policy is to root out all injustice and unfair treatment, that the grave injustice done to me will be removed, I earnestly request you to please take steps to refix my pay so as to enable me to enjoy my due rights according to the length of my service, to which I am entitled in ordinary case and thus remove the burden of dijection on me.

I beg to remain,

Sir,

Your most obedient Servant,

Sd/-

29-10-47.

K. S.D. Sighat,

Overseer.

Encl:

copy of letter.

Respectfully submitted through the Deputy Engineer, I/c. City Sub. Division, Ahmedabad, The Executive Engineer, Ahmedabad, Division and the Superintending Engineer, Northern Circle, Bombay.

Sub Divisional Office,
Public Works Department,
No.13/5298 of 1947.
Ahmedabad, 30th Oct. 1947.

Forwarded with compliments to the Executive Engineer, Ahmedabad, for the favour of onward transmission.

The mode adopted in the fixation of the pays of Overseers is likely to keep them dissatisfied and hence the grievences put forth deserve a sympathetic consideration.

Sd/- 30th 10-

Deputy Engineer,
City SubDivision.
Ahmedabad.

Id/30-10

No. A/13154 of 1947.
Public Works Department,
Ahmedabad, 31st Oct. 1947.

Passed on with compliments duly recommended.

2. By merely keeping pay as a criterion for seniority such old hands are kept back for no fault of theirs, despite their putting more

more service than their juniors. The present method of fixing seniority pinches such senior members. The grievances of Mr. Sighat being genuine merit redress.

Sd/-

Executive Engineer,
Ahmedabad Division.

Joshi/30-10.

Below Executive Engineer, Ahmedabad Division's endorsement No. A/13154, of 31st October 1947, and accompaniments (Representation of Mr.S.D. Sighat, D.C.E., Overseer, for the refixation of his pay and seniority).

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No: G-52/ 11781

Public Works Department,
Bombay, 22nd November, 1947.

Forwarded, with compliments, to the Secretary to Government, Public Works Department, Bombay, for favourable consideration.

2. The criterion of pay adopted by Government on which the seniority of Overseers is based at present seems to be the chief cause of Mr. Sighat's complaint, as he and the other D.C.E. Overseers have ranked much junior in service since the introduction of the revised pay scale of Rs. 75-5-110-10-180-10-250 for Overseers from the 1st July, 1944, in Government Resolution, Public Works Department, No. 6717/36, of 17th July 1944 in accordance with which graduate (B.E) Overseers are allowed Rs. 120/- p.m., whereas the D.C.E's, are allowed Rs. 75/-p.m., on confirmation in one and the same pay scale.

3. On account of their superior training the Graduates have to be offered better starting pay and should rank higher in the seniority list than overseers of the same length of service. But whether that advantage and seniority should be as much as of 7 years is a point worth considering. It would probably

be fair if the graduates are given an advantage of about 4 years in seniority, and seniority lists arranged accordingly. This will avoid the heart burning which is at present caused amongst the diploma holders as seen from Mr. Signal's application.

Sd/- 22-11-47

Superintending Engineer,

Northern Circle,

MP. 22-11-47.

7725/36

E.B.(II). P.W.D.

This case re: seniority of Overseers has been fully noted upon at pp. 69-72 ante. The P.&S.D. has agreed to the draft orders proposed at pp. 73-74 ante, which may now issue with the approval of the H.M., P.W.D.

2. A revised pay-scale of Rs. 70-5-110-10-250 was sanctioned for the S.S.E. in July 1944. B.E's are eligible for a starting pay of Rs. 120 in this scale, while D.C.Es start on Rs. 70. This means that a B.E. gains in seniority over a D.C.E. to the extent of 9 years' service. This cannot be helped, once it is ruled to regulate the seniority of subordinates on the basis of their pay and to allow such higher pay to B.Es to attract them to the S.S.E, There is, therefore, no remedy to meet the grievance of D.C.E. subdtes. of long service, who are placed below B.Es. of much shorter service on the basis of their pay.

3. Seniority in a service can be regulated either on the basis of pay or length of service. In this Deptt., there are a large number of tempy. subdtes. drawing inflated rates of pay and engaged on a quasi-permanent basis to supplement the permanent subordinates When they are promoted to permanent posts in the S.S.E. in course of time, they pay is reduced and refixed and their seniority is regulated on the basis of this reduced pay, as already

explained within. Many subdtes. put in long periods of tempy. and work-charged service before they are made permanent. The seniority in the S.S.E. cannot therefore be regulated on the basis of length of service. It can be so regulated only in a service, where there are no large number of tempy. posts in existence on a quasi-permanent basis to supplement the permanent posts, and where the pay of both permanent & tempy. men is strictly regulated alike in the sanctioned scale. In the absence of these requisities to regulate seniority on the basis of length of service there is no alternative but to regulate the seniority in the S.S.E. on the basis of pay. This being so, the proposal made in the S.E., N.C.'s memo. dated the 22-11-47 cannot, it is feared, be considered without radically affecting the orders already in force on the subject.

3. The request of Mr. S.D. Sighat for the refixation of his pay in the revised scale on the basis of his past service cannot also be granted, as it will mean giving retrospective effect of several years to the revised scale. His pay on the introduction of the revised scale in 1944 was merely adjusted therein as in the case of all other subordinates according to the rules.

4. On the introduction of the revised scale for the S.S.E. in July 1944, B.E. subordinates gained much in seniority over D.C Es. on account of the higher starting pay of Rs. 120 allowed to them. The seniority of B.Es among themselves was also affected as illustrated at p.31 ante.

This cannot be helped, once it is ruled to base seniority on pay and the other criteria mentioned within. So also, it cannot be helped if the seniority of D.C. Es. among themselves is affected as a result of the introduction of the revised scale as exemplified in file 6717/36 (1) /40226 submitted herewith as a linked case. There appears therefore to be no alternative but to follow the orders proposed at pp.73-74 ante in all cases without exception. If this view is accepted, the draft orders may issue after submission to the H.M., P.W.D.

Id/- 8-12-47

GJP.
8/12/47.

P.S.
H.M., P.W.D.

Id/-
8-12-47

Id/-
12-12-47.

Id/-
20-12-47.

Id/- accordingly
22-12-47

LETTER.

No. 7725/36-E(II). Public Works Department,
Bombay Castle, 27th December, 47'

To

The Superintending Engineers of Circles.
The Electrical Commissioner with the Government of Bombay,
The Electrical Engineer to Govern
The Public Health Engineer to Government.

Subject:- Seniority of Overseers.

Reference : (i) Government Letter No. 7725/36-E (II), dated the 19th February 1946 and (ii) Government Letter No. 7725/36-E(II), dated the 9th January 1947, to the Superintending Engineers of Circles and the Public Health Engineer to Government and their replies thereto.

2. The seniority of temporary Overseers on their substantive appointment to the subordinate Service of Engineers to Government should be fixed on the basis of -

(a) The pay in the subordinate Service of Engineers.

(b) If the pay of two or more subordinates is the same, the date of the next increment.

(c) If the date of next increment is the same, the date of substantive appointment to the subordinate Service of Engineers.

(d) If the date of substantive appointment to the subordinate service of Engineers is the same, the length of both temporary and work-charged service - and also officiating service in permanent posts.

(e) If the length of service is the same, the age.

3. The above orders are in continuation of those issued in paragraph 4(e) of Government Resolution No. 1712/27, dated the 15th August 1929, and in paragraph 2(iv) of Government Resolution No.1712/27, dated the 9th May, 1932, reproduce below for ready reference :-

"As regards seniority, a temporary subordinate appointed to the Bombay Subordinate service of Engineers will be placed next below the most junior permanent Overseer in the circle drawing the same pay as the initial pay of the appointee, calculated as above. In the case of two or more temporary men appointed to the permanent cadre at the same time on the same pay, their seniority will be based, inter se. on the length of their temporary service, or, if that be the same, on their ages."

" New entrants should rank below men already in service on the same rate of pay, and the seniority of new entrants on the same rate of pay should be fixed inter se in the following order :-

(a) Geaduates of recognised Universities.
(b) Non-graduates, i.e. men who have completed a course for graduation but have failed to take a degree.
(c) Men holding diplomas of recognized Colleges.
(d) Men not holding such diplomas.

Seniority should be fixed inter se among graduates and diploma holders in accordance with the position they gained in the final examination, and among non-graduates and non-diploma holders in consideration of of their

their age and experience."

4. The above orders should be followed in all cases and the seniority of subordinates refixed accordingly, where necessary.

By order of the Governor of Bombay,
Id/-
24-12-47.

(N.P.GURJAR),
For Secretary to the Government of Bombay,
Public Works Department.

D.A.Nil.

---

Copy forwarded to -

The Housing Commissioner, Bombay,
The Director of Agriculture (Engineering),
all Executive Engineers of Division,
the Director, Development Department
Chawls.

Issued
30-12-47 Id/-

VMW.
28-12-47.

From:- D.D.Bhate,
Deputy Engineer,
'D' Sub- Division(PresidencyDn).

Bombay the dated:-
14-12-1947.

To
The Secretary,
Government of Bombay,P.W.D.
Bombay.

Sub:- Fixation of pay and appointment to the post of officiating Deputy Engineer(B.S.E.II).

Sir,

I humbly and respectfully beg to lay the following few lines for your kind and just consideration.

2. As regards my accedemical qualifications, I passed Matriculation (1929) with distinction in Mathematics. I got entrance in the D.C.E. (course) of Engineering College Poona in 1929 and secured scholarship in each of the years of the course. I passed in D.C.E. in first class, but lost my first No. by a few marks. The guaranteed post, which was due to me, was given to other candidate though he stood in third rank for reasons not known to me, This was my first misfortune.

3. I have nothing to say at present for this, though I would have risen to higher position by now as done by others, in not getting the guaranteed post. I accepted the job of surveyor in 1932 and began my P.W.D. service. Due to the policy of the retrenchment at that time, I had to serve (during 1932-36) on the pay of Rs. 50/-, in the several capacitie of surveyor, temporary and officiating overseer. I was confirm in 1936 on scale of

50-4-90;4-130;5-150. In ~~the Overseer at~~ ~~Kaira.~~ ~~Among the~~ due course I had to appear the Professional Examination of the Overseer at Kaira. Among the candidates were some graduates also, with long services, at their disposal. I stood in first class and in the first rank. Now I am getting Rs. 100 and working as an officiating Deputy Engineer, in the Presidency Division. Due to the Government Policy some graduates were given Rs. 70/- i.e. Rs. 16/- more than the contemporary D.C.E.Overseer which gave seniority to some graduates in Engineering who were appointed as overseers & putting up on the same grade, thereby becoming senior to me by 4 years, which was my second misfortune.

4. In the year 1944, I had put up 9 years Service and the scale of overseers was revised to Rs. 70-5-110. 10-180- 10.250, granting a start of Rs. 75/- and Rs. 120/- to a D.C.E. and a graduate respectively. In this case also, my scale was fixed to Rs. 85/- without any consideration to my previous service, in 1944 and this lost my seniority due to the appointment of the graduates, until 5 years more, i.e. till I would reach to Rs. 120/-. They could have considered my last temporary and permanent services and fixed my pay to Rs. 120/- as has been done in many cases while appointing so many persons till this time. This would have maintained my seniority. In that case it would have not affected me, as unjustly, as it does now. In the present circumstances I shall get the pay of Rs. 120/- on 8-10-1950. i.e. after 15 years service of permanent service.

5. This new scale and more particularly the the mode adopted in refixing pay of those in service have set back not only the graduate overseer already in department, (actually 10-12 overseers have superseeded me) but also for those, who would be appointed upto 8-10-1949. The case of the overseers from Sind now recruited, has also made it quite impossible for the exisitng staff to become senior for a considerable time. This is my third misfortune.

6. As regards my practical experience, I would humbly state that I have served in all the parts of Gujrat Thana and Bombay (Presidency) districts in various capacities I have serveyed Roads, Drainage Channels, Minor and Major Irrigation tanks, at different places. I had also carried out masonry High level and Low level causewyas on Dohad Alirajpur Road in Panch Mahal District and in 1944 I had conpleted flood damage works in Ahmedabad District and in 1944 I had carried out the Dock-explosion damage works in Bombay, including ~~more than a lakh and worked~~ R.C.E. and steel structures for the Police Department costing more than a lakh each and worked as an officiating Deputy Engineer in May last, and am holding the same charge now. Hence I am requesting the favour of fixation of my pay in view of my above humble requests.

7. And similarly while making appointments to the officiating posts of the Deputy Engineer in future, I humbly request you to please consider the followings, favourably in view of :-

(1) Some persons who are not even D.C.E, are

appointed as officiating Deputy Engineer. This should be considered, as is done in case of selecting graduates, over D.C.E.

(2) Some D.C.E's who have passed in D.C.E. but below my rank in 1932 or after that year, as was considered and is being considered in selecting graduates of different years.

(3) Some graduates who are getting Rs. 180/- or below Rs. 180/- in permanent cadre as if I could have got this pay in ~~xixx~~ new scale since 1932, if I would have been selected then, keeping apart the benefits of the guaranteed post, denied to me, for not taking birth in an intermediate or backward community.

(4) The appointment of Sindhi candidates with less or more experience of either graduates or otherwise.

(5) Those juniors whose services have been placed at the disposal of other department and who are working as officiating Deputy Engineers ( where also I have been superseeded unfortunately)

(6). Those vacancies now being occupied by retired persons being employed in P.W.D.or other department e.g. minor Irrigation, Electric Grid, Housing Etc. which could have given some chances to persons like me and retressed the grievancies to some extent.

8) I would be thankful to you for your reconsideration of fixation of due pay and grant me my due position, lost through my misfortunes and due to shuffling of Govt. orders fromtime to time, I would be encouraged to serve my country, under the new suspicious- peoples' Government.

I beg to remain,

Sir,

Your most obedient Servant,

/d/-

Deputy Engineer,

'D' Sub- Division, Bombay.

Respectfully submitted through the executive Engineer, Presidency Division and (2) the Superintending Engineer, N. C., Bombay with favourable consideration and disposal.

89

Below application of Mr. D.D.Bhate, Offg. Deputy Engineer, dated 14-12-1947, re: fixation of pay etc., addressed to the Secretary to Government, P.W.D., Bombay.

No. 11518 of 1947.

Executive Engineer's Office,
P.W.D., Bombay, 17th December, 1947.

Forwarded, with compliments, to the Superintending Engineer, N.C., Bombay, for favour of further disposal.

2. The point Nos. 1,4 and 5 in the concluding portion of the application of Mr. Bhate, deserve sympathetic consideration.

Sd/- 18/12

Executive Engineer,
Presidency.

Accompt:-
1 Application.

Id/-

Below application dated 14th December 1947, of Mr. D.D. Bhate, Offg. Deputy Engineer, (now Overseer), received under the Executive Engineer, Presidency Division's endorsement No. 11518, dated 17th December 1947.

.....

No. G.49/285 Public Works Department,
Bombay, 18th January 1948.

Forwarded, with compliments, to the Secretary to the Government, P.W.D., Bombay.

2. The two main contentions of Mr. Bhate seems to be as follows :-

(a) According to Government Resolution, P.W.D., No. 6717/36 dated 17-7-1944, the graduates have been placed at great advantage as compared with the Diploma holders, specially with those already in service on that date.

(b) When scales of pay are revised raising pays, the persons already in service are simply placed at the stage in the new scale which is immediately higher to their existing pay. Due to this, men with some 10 years service practically get the same pay in the new scale, as a new entrant.

3. As regards 2(a) above, I have already offered my remarks in this office No. G.52/11781, dated 22.11.1947, while forwarding application of Mr. S,D. Soghat, D.C.E., Overseer.
As regards 3(b), I feel that the practice of placing men already in service at the same stage in the new scale looks very unfair when the pay scales on revision lead to increased pays. The pays of such persons ought to be recalculated

according to the length of service in the new scale.

Of course when the revision is in the opposite direction, i.e. the pays are reduced, the same procedure will have to be accepted.

Sd/- [illegible]

Superintending Engineer,

Northern Circle.

Copy forwarded, with compliments, to the Executive Engineer. Presidency Division, for information.

7725/36
1849.

P.W.D.

E.B.(I).

Submitted.

2. Mr. D.D. Bhate, D.C.E., Offg. Depu Engineer, Presidency Division., has represented that his substantive pay (as Overseer) and seniority should be refixed in view of the circumstances stated by him. He has also made certain suggestions to be considered while making appointments of offg. Deputy Engineers - vide points 1-6 of para 7 of his representation. Offg. appointments of Deputy Engineers are made strictly according to seniority and merit among Overseers. No special consideration therefore seems called for , on the points raised by Mr. Bhate in this connection. The only question for consideration is regarding his seniority and pay as Overseer.

Id/- 25-2-48. Thro'E.B.(II).

3. The main two points raised by Mr. Bhate in regard to his pay and seniority as Overseer as stated by the S.E., B.C., are -

(a) A. B.E. Overseer gains much in seniority over a D.C.E. Overseer on the basis of the much higher starting pay allowed to the ~~Overseer.~~ former.

(b) When the revised pay-scale was sanctioned for the S.I.E. in 1944, the pay of subordinates was merely adjusted therein and old hands did not derive any immediate improvement in pay.

The above two points have already been noted upon in the O.N. dated the 8-12-47 in the case of Mr. Sighat, D.C.E., Overseer, who had put forth similar grievance, which cannot however, be helped under the rules and orders as they stand. The S.E., B.C., may be informed accordingly.

Id/-
27-3-48.

Though it is unfair that when the pay scale is revised, a junior person and a senior by about 10 years get the same pay, it cannot be helped ~~so-forth~~ as Govt does not propose to give retrospective effect to the revised pay scales, Similar to Overseers BSE Class II and class I persons have, also suffered.

Id/-

27-3-48.

LETTER.

No. 7725/36-E(II). 7725/36 P.W.D.

B.C., 1st April, 1948.

To

The S.E., B.C.,

Subject:- Pay and seniority of ~~Overseers~~ Messrs. S.D.Sighat and D.D.Bhate, Overseers

Reference to your ~~xxx~~ endts. No G.52/11781, dated the 22-11-47, and No. G.49/285, dated the 12-1-48.

2. General orders regarding seniority of Overseers have been issued in G.L. No.7725/36-E(II), dated the 27-12-47. As the pay and seniority of ~~Overseers~~ Messrs. S.D. Sighat and D.D. Bhate, Overseers, have been regulated according to the rules and general orders of Government their requests in this connection cannot be granted and your proposals on the subject, it is regretted cannot be approved.

D.A.Nil

By order etc.,

Copy forwarded to -

The S.E., N.C.

The Executive Engineer, Presidency,Dn.

The Executive Engineer, Ahmedabad Dn.

Id/- 30-3-48. Id/- 30-3-48.

N.M.Oza. B.E.(Civil),

Overseer, P.W.D. Offices,

Ahmedabad, 20th June 1944.

To

The Superintending Engineer,

Northern Circle P.W.D., Bombay.

Bombay.

Subject:- Fixation of pay on appointment of officiating establishment.

Reference:- S.E., N.C.'s Order No G. 52/3917 dated 15-4-44.

Sir,

I the undersigned most humbly and respectfully beg to put forth the following ~~forth~~ few lines for your kind and sympathetic consideration.

I passed the B.E (Civil) examination in April 1938.

I joined the department in October 1939, and am in continuous service since then. Prior to my joining this department, I have worked in the Baroda P.W.D. as a sub- Engineer and in Ahmedabad Municiplaity as building supervisor. Both these services can be considered more than equivalent to a P.W.D., Overseer's standard of Service.

I have been appointed as officiating Overseer from 1-4-1944, and my pay is fixed at Rs. 78/p.m.

As per Government memodandum P.W.D. No. 2648/36 dated 25-9-194 when a man from temporary establishment is brought on permanent Establishment his pay is to be regulated as per conditions mentioned in that G.M. and that is that his pay should be fixed from the date of his passing the examination, deducting one year for every five years of service or his pay should be reduced by 16% of the pay on temporary establishment the lesser of the two calculations being admissible as starting pay.

However, I am appointed asofficiating only and as per G.M. quoted above, if the person is not appointed on permanent establishment, but officiating in a permanent vacancy and not followed by confirmation at that time, then, the 16 per cent cut or cut mentioned in para 1(i) of the G.M. is not to be applied. As per orders. I am appointed as officiating only and so it appears that the cut may not be made applicable, and my pay should be that which was given to me and is being given to the temporary establishment. I therefore request you to kindly consider my case in the light of the above facts.

Even if the cuts as per G.M. are applied my pay would be as follows:-

April 1938 to 1939 .... Rs. 50/-
" " 1939 to 1940 .... Rs. 70/-
" " 1940 to 1941 .... Rs. 74/-
" " 1941 to 1942 .... Rs. 78/-
" " 1942 to 1943 .... Rs. 82/-

April 1943 to 1944.... Rs. 90/-

and 1st April 1944 onwards .. Rs. 90/-

So my pay on 1-4-1944 will be Rs. 90/- P.M. Applying the rate of deduction of 1 year in every 5 years the pay would come to Rs. 86/- and not Rs. 78/- as fixed. It also appears that in counting my service etc. after having deducted* is also made, as the date of next increment will, I am afraid be 1st April, 1945, thus I will be losing about 6 to 8 months more- over and above and ususal cut.

the period as per G.M. quoted above, I am afraid of a further deduction.

I have therefore to request you to kindly reconsider my case and fix my starting salary and ~~fix my~~ date of next ~~of~~ increment, according to the G.M. quoted above, and considering my date of passing the examination.

I may humbly state that the present day cost of living has gone very high and day by day living in the meagre salary is becoming terribly difficult. If therefore my pay is fixed with due consideration I shall be getting probably more than what I am given at present, and which I hope is right. This act of kindness, ~~xxxxxx~~ shall be a great help in these precarious times, especially when feshers, juniors and in experienced hands are being given double the salary fixed, at present in my case.

Hoping to be excused for the trouble and soliciting a favourable and just consideration,

Your most obedient servant.

Respectfully submitted through the

Executive Engineer, Ahmedabad Division, for favour of further disposal with just, kind and worthy remarks.

No.G.52/6944 Bombay, 14-7-44.

To The Executive Engineer,
Ahmedabad.

Subject;- Fixation of pay of Mr. N.M.Oza, B.E. en appointment to permanent establishment.

Reference to yourr endorsement NoA/6993 dated 21-6-44.

While fixing the starting pay of Mr.N.M.Ozan B.E. Temporary Overseer on his appointment as an officiating one due regard has been paid to the principles enunciated in G.C.M. P.W.D.No. 2648/36 dated 25-9-41 and his starting pay was provisionally fixed at Rs.78 /-p.m. by this office which has now been refixed by the Govt. at Rs. 89/-p.m. vide G.L. P.W.D. No. 4051/36-E dated 29-6-44. Copy communicated to you under this office No.G.52/6751 dated 8-7-44.

The contention of Mr.N.M.Oza that the service rendered by him in the Baroda State & Ahmedabad municipalities prior to his joining this department on 13-4-39 is equivalent to a P.W.D. Overseer's standard of service does not seen to be quite justified in view of the fact that service not rendered under the Bombay Govt. cannot be taken into consideration for the purpose of fixing his starting pay.

As per G.R. P & S.D. No. 4083-34-5v dated 25-8-43 appointments to subordinate and inferior services on permanent establishment are not to be filled in substantively but on officiating capacity only for the duration of war and confirmation to these posts will depend upon

the merits of the candidates already holding the post and those with approved ~~why~~ war service and this is the discretion has a reasonable claim for confirmation after the war there would seem to be ~~for~~ no reason to exempt him from the operation of the~~nt~~ cut in his salary.

As regards change in the date of increment the attention of Mr.Oza may be drawn to para 5 of the G.em of 25-9-41 which clearly explains the position that when a temporary man is promoted to the permanent establishment he does not get the full benefit of his temporary service for the purpose of increments on the permanent establishment and the date of next increment on the permanent establishment counts from the date of his promotion to that establishment.

Sd/-

Superintending Engineer,

Northern Circle.

Ahmedabad,

dated the 27th March 1946.

To

The Superintending Engineer,
Northern Circle,
Bombay

Subject:- Seniority of Overseers.

Sir,

I, the undersigned, most humbly and respectfully beg to put forth the following few lines for your honour's kind and sympathet consideration.

I have been in continuous service in P.W.D. since October 1939. I was made permanent in the sub-ordinates service of Engineers on 1-4-1944 and my pay was fixed temporarily at Rs. 78/- p.m. as per superintending Engineer, N.C's No.G. 52/3917, dated 15-4-44, pending decision of Government who however, fixed my pay at Rs. 82/. p.m. from 1-4-44 @ thus, the seniority would be counted on this pay on 1st April, 1944 in permanent service.

G.L.P&SD No. 4051/36E dated 29-6-47

However, in the printed seniority list corrected up to 30th June 1944, I found that my name was placed at serial No 52. As I was drawing Rs.82/-p.m. on 1-4-1944 my seniority would have been at serial No. 48, because the overseer whose name appear at serial No.48 was getting Rs.78/- on 1-4-1944. I have therefore, to request you to kindly issue necessary orders fixing my seniority above Mr. D.P.Shah, whose date of increment is 27-4 against 1-4 of mine.

Moreover, on account of recent Government orders, in ~~in~~ Government letter No. 1725/36E-II dated 19-2-46, the seniority is to be counted first on Pay. It may be mentioned here that as all the B.E. Overseer's pay was fixed at Rs. 120/- p.m. from July 1944 due to introduction of new scale, the correction as mentioned above ~~thr~~ if not made will put me to a great loss in seniority.

I therefore respectfully request your honour to consider the above points and kindly arrange to get the list correct accordingly.

Hoping to be excused for the trouble.

Your obedient servant,

Sd/- N.M.Oza.

Respectfully submitted through the Executive Engineer, Ahmedabad Division, Ahmedabad, for favour of further disposal with just remarks.

135

From

N.M.Oza, B.E., M.R. San.I (London),
M.M.E.E. (India),

Deputy Engineer,
Housing Sub-Division, Ahmedabad,
C/O Kuberdas Building,
Relief Road,
Dated 11th June 1947..

To

The Chief Engineer & Secretary to
Government,
Public Works Department,
Bombay.

Sir,

May it please your honour. I an overseer in the Bombay P.W.D. now working as Deputy Engineer, take this opportunity of putting before you, the following few lines with a fervent hope and humble request to redress the grievances set forth

I had joined Bombay Government P.W.D. on 13th October 1939 and since then was in Continuous service, on temporary establishment as overseer upto 1-4-1944, when I was appointed as Offg. Overseer as per S.E.N.C's No. G.52/3917 dated 15-4-44 on a pay of Rs.78/- P.M. (Provisionally), vide please the order.No. sooner I received this order, I had put up my humble request regarding fixation of my pay as per G.R. P.W.D.No. 2648/36 dated 25th September 1941. with a request to count Service and seniority accordingly. To this I have received no reply but Government fixed my pay as Offg. Overseer from 1-4-44 at Rs. 82/- P.M. vide please Govt., order P.W.D.No. 4051/36-E

dated 29-6-44. I then again requested the S.E.N.C. to fix up my seniority in the list of overseers accordingly as I found that I was placed much lower in the seniority list than where I should have been correctly. A Copy or my representation to the Superintending Engineer, N.C. is appended herewith for favour of perusal. I am sorry to state that no action had been taken on this and no reply was given to me.

On the contrary in July 1944 when the scales of S.S.E. cadre were revised as per G.R. No. dated mt pay was fixed along with others at Rs. 120/. p.m. but when the seniority list was published, again I was utterly taken aback and surprized to find my name taken down still below in seniority. In fact, persons who had joined Engineering College when I passed i.e. in 1938 and who had put in more than 3 years in the College and joined P.W.D. in 1941, 1942 and so on were placed above me. On inquiry I found that this had been done in view of a reference from the S.E.C.E. (S.E.C.C's No. dated ) to Government proposing to fix seniority of graduate overseers according to date of being made permanent as pays were equal in 1944 July, according to new scale. Thus people who joined in 1941, 1942 and even 1943 P.W.D. and who became somehow or other permanent before 1-4-44 i.e. before me were considered and are considered senior to me. Sir, I would humbly request you to see the paradoxical thing. A man who has passed earlier, joined the Department earlier and is in continuous service before his successors joined, is considered junior by the Department when actually he is senior in all respects i.e. length of service,

experience, etc. This injustice to my case puts to me to a great loss by the way that while appointments in regular P.W.D. are made, only seniority as shown in the list, whether right or wrong (as is in my case) is seen and no other qualifications are seen. I have fully represented my case many times as will be seen from correspondence of S.E.N.C. and Ex.Engineer. A'bad Division Office and copies attached herewith, but I am totally disappointed & disheartened to see that heed has been given to the same even though recommended by the E.E., A.Dn for consideration No justice is done to us. In fact there are many cases of this type and the whole lot and the whole lot of us is cast aside and other persons, graduate overseers who passed later, joined later and have less length of service in the Department are considered seniority by a stroke of pen, a point which requires very - sympathetic truthful and just weighing and for which I request your Honour to make inquiries and set right the obviously incorrect thing, by fixing the seniority of graduate overseers in the new scale introduced in July 1944 according to their total length of service as had been done in the past correctly.

I am affected by about 4 numbers if the correct prodedure as stated above is adopted and I will be accordingly senior to Messrs. D.P. Shah and Kanbi and the whole chain below them as my pay was fixed by Government at Rs. 82/ P.M. on 1-4-44 and Mr. Shah and Kanbi were drawing at that time Rs. 78/- P.M. i.e. my service was more than theirs as my pay was fixed according to G.R. No.

Septr. 1941.

17c

Sir,

I humbly request you to please take up this question and give me and many others like me, my graduate fellow brothers according to our length of service and by fixing the seniority of the wholecadre according to pay and total service. If this will be done many of us who are do-wn trodden in the Northern Circle and who are disheartened and down case will get a new flow of vigour in their life and will be waking up again to give best type of work of highest catagory, as they will then have their hopes of better fortune of being S.E.O.S. sooner and after about 8 to 10 years service.

People of our type have received the greatest injustice in temporary and permanent service as former scales were poor and low and new temporary people reap good benefit by higher pay and will be permanent and senior to so many.

I beg to remain,

Sir,

Your most obedient Servant,

Id/-

N.M.OZA.

(Advanced copy).....

Submitted through the Housing Commissioner Bombay, for favour of further transmission.

Below Government P.W.D. u.o.r. No.4051/36/ 48321 dated 22nd November 1947.

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Returned, with compliments to the Secretary to Government, P.W.D. , Bombay.

2. In the latest seniority list of Overseers of this Circle, i.e. the one for the year ending 30th June 1947 which has been submitted to Government. the seniority of Mr. N.M.Oza. B.E., and of certain other graduate Overseers is as under :-

27. Mr. N.C. Dalvadi, B.E.
28. Mr. D.P. Shah, B.E.,
29. ~~30.~~ Mr. H.K.Kanbi. B.E.,
30. ~~31.~~ Mr. B.G. Shah, B.E.,
31. Mr. A.M. Shah, B.E.,
32. Mr. I.D. Vyas, B.E.,
33. Mr. M.P.Amin, B.E.,
34. Mr. D.K. Patel, B.E.,
35. Mr. L.H. Mehta, B.E.,
36. Mr. N.M.Oza, B.E.,

This order of seniority as well as that in the previous list for the year ending 30th June 1946 was fixed in accordance with the orders issued in para 2 of G.L., P.W.D., No. 7725/36-E-II dated 19-2-1946, and has resulted in some of the Overseers who occupied a higher place in the earlier seniority lists getting a lower place because of their dates of appointment to the Subordinate Service of Engineers, So long as the orders in the G.L., dated 19-2-1946 remain extent, the seniority given above cannot be changed..

3. But it seems to the Superintending Engineer that the Overseers, whose seniority as it was existing prior to 1-7-1944 has been affected, have a just cause for grievance as pointed out by the

Chief Engineer, P.W.D., Poona in his letter No. 207/46-E dated 2-10-1946 addressed to Government and therefore the seniority already fixed before the revision of the scale of pay of the S.S.E. should not be changed ( save for the correction of obvious errors if any) and that the orders issued in the G.L., dated 19-2-1946 should be made applicable to only the new entrants i.e. those appointed to the S.S.E. on or after 1-7-1944, as recommended in para 3 of this office letter No. G.52/1584, dated 15-2-1947. If this recommendation is accepted, the seniority of the men mentioned in para 2 above would be as under based on the orders then existing (i.e. pay, date of next increment, etc,) and Mr. Oza's grievance would be redressed :-

| Seniority. | Name. | Pay on 30-6-44. | Date of next increment. |
|---|---|---|---|
| 1. | Mr. L.H.Mehta, B.E. | 86/- | 1-4-1945. |
| 2. | Mr. N.C. Dalvadi, B.E. | 82/- | 7-2-1945. |
| 3. | Mr. N.M. Oza, B.E. | 82/- | 1-4-1945. |
| 4. | Mr. D.P. Shah, B.E. | 82/- | 27-4-1945. |
| 5. | Mr. H.K. Kanbi, B.E | 82/- | 24-6-1945. |
| 6. | Mr. B.G. Shah, B.E. | 78/- | 1-7-1944. |
| 7. | Mr. A.M. Shah, B.E. | 74/- | 1-7-1944. |
| 8. | Mr. I.D. Vyas, B.E. | 74/- | 1-7-1944. |
| 9. | Mr. M.P. Amin, B.E. | 74/- | 5-4-1945. |
| 10. | Mr. D.K. Patel, B.E. | 70/- | 28-8-1944. |

Sd/ 3-12

Superintending Engineer.,
Northern Circle.

u.o.r. No. G.52/ 12051.

Bombay, 3rd December, 1947.

DK, 3/12/47.
(2). B.

LETTER.

~~xxx~~ 7725/36
51875

No.7725/36-E(II). P.W.D,

B.C., 26th May, 1948.

To

The S.E., B.C.,

Subject:- Seniority of Overseers.

Reference to your uor No. G.52/12051,

dated the 3-12-1947.

2. General orders re: seniority of Overseers have been issued in G.L. No. 7725/36 -E(II), dated the 27-12-47. The seniority of Mr. N.M. Oza should be regulated accordingly.

D.A.Nil.

By order, etc.,

Copy forwarded to the S.E., N.C.

2. Mr. Oza should please be informed accordingly with reference to his petition dated the 8-11-47, addressed to Government.

Id/- 24-5-48.

Id/-

25-5-48.